108TH CONGRESS 2D SESSION

## S. 2076

To amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

## IN THE SENATE OF THE UNITED STATES

February 12, 2004

Mr. Baucus introduced the following bill; which was read twice and referred to the Committee on Finance

## A BILL

To amend title XI of the Social Security Act to provide direct congressional access to the office of the Chief Actuary in the Centers for Medicare & Medicaid Services.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "Congressional Access
- 5 to the CMS Chief Actuary Act of 2004".
- 6 SEC. 2. DIRECT CONGRESSIONAL ACCESS TO THE OFFICE
- 7 OF THE CHIEF ACTUARY IN THE CENTERS
- 8 FOR MEDICARE & MEDICAID SERVICES.
- 9 (a) FINDINGS.—Congress finds the following:

- 1 (1) In creating the Office of the Actuary in the
  2 Health Care Financing Administration (now known
  3 as the Centers for Medicare & Medicaid Services)
  4 with the enactment of the Balanced Budget Act of
  5 1997, Congress intended that the Office would pro6 vide independent advice and analysis to assist in the
  7 development of health care legislation.
  - (2) While the Congressional Budget Office would continue to serve as the official source for cost estimates for Congress, Congress created the Office of the Actuary in order to have—
    - (A) an additional, independent source for estimates in the development of health care legislation; and
    - (B) access to more detailed actuarial data and assumptions related to program participation, payments, and costs.
  - (3) While the joint explanatory statement of the committee of conference contained in the conference report for the Balanced Budget Act of 1997 provided a clear statement of the Congressional intent described in paragraphs (1) and (2), Congressional access to the Office of the Actuary has been inappropriately restricted over the past year.

- 1 (b) Access.—Section 1117(b) of the Social Security
- 2 Act (42 U.S.C. 1317(b)), as amended by section 900(c)
- 3 of the Medicare Prescription Drug, Improvement, and
- 4 Modernization Act of 2003 (Public Law 108–173), is
- 5 amended by adding at the end the following new para-
- 6 graph:
- 7 "(4)(A) In exercising the duties of the office of the
- 8 Chief Actuary, the Chief Actuary shall provide the com-
- 9 mittees of jurisdiction of Congress with independent coun-
- 10 sel and technical assistance with respect to the programs
- 11 under titles XVIII, XIX, and XXI.
- 12 "(B) The Chief Actuary may directly provide Con-
- 13 gress with reports, comments on, and estimates of, the fi-
- 14 nancial effects of potential legislation, and other actuarial
- 15 information related to the programs described in subpara-
- 16 graph (A). No officer or agency of the United States may
- 17 require the Chief Actuary to submit to any officer or agen-
- 18 cy of the United States for approval, comments, or review,
- 19 prior to the provision to Congress of such reports, com-
- 20 ments, estimates, or other information.".

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